

# **Mohan Declaration**

## **Exhibit 1**

**From:** Narayan Nethrakere [mailto:sot@vsnl.com]  
**Sent:** Thursday, 8 November 2007 1:59 PM  
**To:** Murthy Sarraju  
**Cc:** Sandeep Mohan - JKI  
**Subject:** Frederike Oldendorff  
**Importance:** High

**SUBJECT : MV FREDERIKE OLDENDORFF**

Please find as set out below our comments on the Frederick Oldendorff and the relevant sequence of events.

**1. ETA advices**

- a) On 16-May-2007, Transworld (Jude) appointed Sahi Oretrans as agents for Frederike Oldendorff and advised that the vessel's ETA Mumbai ETA 02-june-2007
  - b) On 18-May-2007, Jude asked JKI to advise discharge plan for Fredrike Oldendorff. In this msg, it was also stated that vessel's ETA Singapore would be 26-May-07. Basis this ETA at Singapore, Vessel would have arrived at Mumbai by 2/3-June-07. However on 28-May-07, Master advised Sahi Oretrans that vessel is under fumigation at Singapore and ETD Singapore 29-May-07 which means that vessel may have reached Singapore only on 28-May instead of originally advised 26-May-07. We do not know the reason for this delay in reaching Singapore.
2. Mumbai agent, Sahi Oretrans received an email from VBSK on 22-May-07 regarding dispatch of a courier for the vessel in which vessel's ETA as 01-June-07 was also informed. The copy of this email is attached herewith. In our opinion, VBSK are owner's managers. Throughout the entire period of voyage, VBSK dealt with us on all owners' matters pertaining to Frederike Oldendorff. Hence there is no reason to believe that owners were not informed by charterers that vessel's discharge port would be Mumbai.
  3. When a vessel is due to arrive at Mumbai port, the agent makes a application to the port authorities. Subsequent to port's acceptance of the vessel, customs would be approached for necessary permission for discharging of cargo at anchorage(s) which is normally done either 48 or 24 hours before vessel's arrival in port. Accordingly, on 26-May-07 Sahi Oretrans wrote to Deputy Manager, Cargo Accountal, Mumbai Port trust requesting for necessary permissions which was granted by the concerned officer with the note "Please allow on proper verification to store". Subsequent customs permission would have been obtained around 01-June-07 if vessel was to maintain her originally indicated ETA Mumbai.
  4. Charterers at JKI have been discharging bulk peas cargo at Mumbai outer anchorage (BFL). The cargo thus lightened into barges from mother vessel is further off-loaded from barges at alongside berths at Mumbai port Indira dock. At times, part cargo is lightened into barges at outer anchorage and subsequently the vessel is brought to inner anchorage to resume the discharge operations as the situation demands. In case of Frederike Oldendorff, charterers had planned to commence the discharging at outer anchorage basis vessel's ETA Mumbai 02-June-07 and complete all the discharge operations at outer anchorage. However, in case of any contingency, vessel could be shifted to inner harbour of Mumbai port once the draft is reduced to 10.5 M. Keeping this in mind, we had asked for the relevant information from the master regarding the quantity to be discharged to achieve the draft of 10 or 10.5 M draft. As is known now, the onset of monsoon at Mumbai port started only on 18-June-07 and surely, all



the discharge operations could have been completed at BFL in good time without having to shift the vessel to Inner anchorage and incur the burden of port charges, berth hire, pilotage etc at Mumbai.

5. There was no doubt that vessel's original sole discharge port was Mumbai until vessel's delayed ETA forced charterers to divert the vessel to Mundra for part cargo discharge. The Agents, Sahi Oretrans filed Import manifest with Mumbai customs on 04-June-07 under IGM no. 24395 (P/E) for total quantity of 46,918.298 MT. In the light of vessel's subsequent diversion, a fresh manifest was filed with Mumbai customs under IGM no. 24479 on 11-June-07 for 39,631.302 MT cargo as 7,286.996 Mt was manifested at Mundra port. A copy of IGM no. 24395 (P/E) and the agents' letter dated 17-Aug-07 addressed to Asstt. Commissioner of Customs, Export Dept, New Customs house, Mumbai for cancellation of original IGM no. 24395 is enclosed herewith for ready reference. Export Rotation no. obtained for the vessel from Mumbai customs exports dept on 01-June-2007 is also attached herewith.
6. Though the vessel sailed from Singapore on 29-May-07, master's first ETA advice was received by Mumbai agents for the first time on 31-May-07. The sequence of ETA advices received from master by agents was as follows :
 

Received on 31-May-07	ETA 06-June-07 1600 hrs LT
Received on 01-June-07	ETA 06-June-07 1600 hrs LT
Received on 03-June-07	ETA 07-june-07 1300 hrs LT
Received on 04-June-07	ETA 07-June-07 1630 hrs LT
Received on 05-June-07	ETA 08-June-07 0410 hrs LT
Received on 06-June-07	ETA 10-June-07 0810 hrs LT

Initially when the agents received Master's ETA advices as 06-June-07, the master was requested by the agents to advise the quantity to be discharged for achieving the draft of 10.5 or 10 M even keel draft. This was asked with the specific purpose of planning the shifting the vessel from BFL to Inner anchorage after reducing the draft at BFL to above-required levels, if the prevailing situation warrants. At this point of time, it was all planned to discharge the entire cargo at Mumbai port. Agents, after receipt master's ETA advice on 04-June-07, advised master that charterers may divert the vessel to Kandla to discharge part cargo at Kandla so that she can return to Mumbai with an arrival draft of 10.5M. Charterers had neither decided nor instructed on diverting the vessel at this point of time but were having the information ready to know the possibilities and implications in the light of vessel's delayed ETA and further delay, if any. This can be substantiated from the fact that even on his message of 06-June-07 to agents, master while informing that due to M/E trouble the vessel was proceeding with the speed of 6 knots, clearly stated vessel's ETA MUMBAI as 10-June-07 0810 LT. Even at that point of time, no instruction was given to the vessel to proceed to another port. But after receiving this msg from master, charterers were left with no other option but to take a decision to divert the vessel to Mundra as master felt Kandla was not a safe port. Charterers' intention always was to discharge the entire cargo at Mumbai which would have been possible if vessel would have maintained her original ETA of 1st or 2nd or even as late as 06-June-07.

7. Barges would have been available at Mumbai after 26-May-2007.

Best regards  
Narayan



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**SAHI**

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**From:** "Back" <Back@vbsk.de>  
**To:** <sot@vsnl.com>  
**Cc:** "PUB juergen.schulte" <pf.juergen.schulte@schultegroup.local>; "Bremer" <Bremer@vbsk.de>  
**Sent:** Tuesday, May 22, 2007 1:44 PM  
**Subject:** Shipmail for Frederike Oldendorff

Dear Sirs,

We sent you the ship's mail for our vessel MV Frederike Oldendorff (Juergen Schulte) via our forwarder TNT. The air way bill no. is GE698545845WW. Please be so kind and confirm receipt at you earliest convenience. The confirmation e-mail is supposed to go to following e-mail address:

secretariat@vbsk.de

The ETA is 01.06.07. We kindly ask you to forward the ship's mail to the vessel in time.

Kind Regards / Mit freundlichem Gruß

VBSK (Vorsetzen Bereederungs- und Schiffahrtskontor GmbH & Co. KG)

Johanna Back

Senior Team Assistant

Glockengießerwall 3

20095 Hamburg

Germany

Tel: +49 (0) 40 82 22 65 613

Fax: +49 (0) 40 82 22 65 650

Mobile: +49 (0) 173 165 94 23

E-mail: secretariat@vbsk.de

www.vbsk.de



FORM III  
Cargo Declaration  
(See Regulation 3 and 4)

Name of Shipping Line Agent etc. SAH OBEIRANG (PVT.) LTD., J.K. INTERNATIONAL PVT. LTD.  
Name of Ship : MAY FREDERIKER OLDENDORFF Voyage : V001

2. Port where report made : Mumbai

3. Name of Ship : LIBELA

4. Name of Master : ARDAROV VIKTOR

5. Port of Loading : Vancouver

6. Line No.	7. ERM of Loading No.	8. No. & Kind of Packages, e.g. cases, cartons, etc.	9. Marks & Number	10. Gross weight	11. Goods Description	12. Name of Consignor/Importer/Presenter if different	13. Date of Presentation of B/E	14. Name of Custom House Agent	15. Retention No.	Page 1
1	01	1	NIL	9480.00	From : Vancouver To : Mumbai 9410 MT CANADIAN YELLOW PEAS	WINTO LTD, CORE 1 SCORE COMPLEX, 7 INSTITUTIONAL AREA, LODDHU ROAD NEW DELHI-110 001, INDIA. TO ORDER				
2	02	1	NIL	3877.00	3886.096 MT OF CANADIAN YELLOW SEED PEAS	SHADI RAM AND SONS MANDI LAHORA, DIST. JALANDHAR, PUNJAB, INDIA TO ORDER				
3	03	1	NIL	1310.00	1310 MT OF CANADIAN YELLOW PEAS	SHARAD MENTROL INDIA LTD, SHARAD HOUSE, PLOT NO. 9 LSC GUANAYALA TOWN I, NEW DELHI 2712891 TO THE ORDER.				

No. of Pigs on which duty collected at

were housed

discharged.



Name of Shipping Line Agent etc. SAKI OREBANS (PVT) LTD. JK INTERNATIONAL PT. LTD.									
1 Name of Ship M/V FREDERIKE OLDBORGF Voyage: VOCI									
2 Nationality of Ship LIBERIA									
3 Name of Master: ARDAKOV VIKTOR									
8 Line No.	1 Bill of Lading No.	8 No. & Kind of Packages, e.g. cases, cartons, etc. or other places collected	9 Marks & Number	10 Gross weight	11 Goods Description	12 Name of Consignee/Importer if different	13 Date of Presentation of B/E	14 Name of Customs House Agent	15 Port of Loading
4	01		1	2800.00	3000 MT OF CANADIAN DAL MATAR	SHARUP HENTHOL INDIA LTD. SHARUP HOUSE, PLOT NO. 9, LSC GURANWALA TOWN 1, NEW DELHI 11002901			
5	05		1	10150.00	10150 MT CANADIAN YELLOW PELS	MATE LTD. CORE 1 SCOPE COMPLEX, 7 INSTITUTIONAL AREA, LODDHI ROAD, NEW DELHI-110 001, INDIA. TO ORDER			
6	06		1	9430.00	9430 MT CANADIAN YELLOW PELS	MATE LTD. CORE 1 SCOPE COMPLEX, 7 INSTITUTIONAL AREA, LODDHI ROAD, NEW DELHI-110 001, INDIA. TO ORDER			



Name of Shipping Line Agent etc. SAHJ ORESTIAN (PVT) LTD., JK. INTERNATIONAL PVT. LTD.  
 Name of Ship: M/V FREEDOMLINE OLYMPIOS  
 Voyage: VOO

2. Port where report made: Mumbai

3. Nationality of Ship: LIBERIA

4. Name of Master: ARDAROV VIKTOR

5. Port of Loading:

Vessel No.

6. Line No.

7. Bill of Lading No.

8. No. & Kind of Packages, e.g. cases, cartons, etc.

9. Marks & Number

10. Gross weight

11. Goods Description

12. Name of Consignee/Importers Presentation

13. Date of Bill of Lading

14. Name of Customs House Agent

15. Rotation No.

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Cash/Deposit No. of Pkg on which duty collected of

Year to be filed

Blank

of Pkg

discharged

7 07 3004/2007 1 BLK NIL 2440.00 MTS 3440 MT CANADIAN YELLOW PEAS

MAITC LTD,  
 CORE I SCOPE COMPLEX,  
 7 INSTITUTIONAL AREA, LODHI  
 ROAD, NEW DELHI-110 001, INDIA.  
 TO ORDER

8 08 3004/2007 1 BLK NIL 2621.30 MTS 2621.30 MT CANADIAN WHOLE YELLOW PEAS

POONA DAL AND OIL INDUSTRIES  
 LTD, 107111 HADAPSAR  
 INDUSTRIAL ESTATE  
 POONA-411013  
 TO ORDER

9 09 3004/2007 1 BLK NIL 2100.00 MTS 2800 MTS OF CANADIAN YELLOW SEIT PEAS

POONA DAL OIL INDUSTRIES LTD,  
 71/A, INDUSTRIAL ESTATE  
 HADAPSAR  
 POONA-411 013  
 TO ORDER



Name of Shipper Lane Agent etc		SAH OKUTRANS (PVT.) LTD., J.K. INTERNATIONAL PTY. LTD.	
Name of Ship		M/V PRADENIKH OLEBANDORHF	
Voyage :		V001	
Nationality of Ship		LIBERIA	
Name of Master :		ADYAKOV VIKTOR	
1. Line No.	2. Bill of Lading No.	3. No. & Kind of Packages, e.g. cases, cartons, bales, pieces collected	4. Marks & Number
10	10	10	10
LC	30/04/2007	BLK	MTS
		1000.00	1000 MTs OF CANADIAN YELLOW SPILT PEAS
			POONA DAL AND OIL INDUSTRIES LTD, 71/A INDUSTRIAL ESTATE HADAPSAR PUNE INDIA-411 013 TO ORDER
12 Name of Consignee/Importer if different		13 Date of Presentation of B/E	
14 Name of Custom House Agent		15 Rotation No.	
Cash/Deposit W.R. No.		Page 1	
No. of Pkgs on which duty collected of		Year (To be filled by port trust) No. of pkgs discharged.	

2. Port where report made : Mumbai


5. Port of Loading : Vancouver

Who hereby certify that the above is for account of our principal, we as agents are responsible for the full return of cargo remitted under the above and will be liable to the Customs for any penalty or fine in case of any shortcoming/survey discrepancy. We are Mumbai agents of the vessel fully indemnified from any liabilities/losses of whatever nature under the above terms we do hereby undertake to the Customs that we shall be responsible in the event of any discrepancy.



Date &amp; Signature of Master, authorized agent





# Sahi Oretans (Pvt) Ltd

Ship-Agents \* Chartering-Brokers \* Shipping Consultants \* Ship-Managers  
30, Western India House, 3rd Floor, Sir P. M. Road, Fort, Mumbai 400001, India Tel.: (91-22) 2281 0033 (7 Lines)  
Fax : (91-22) 2281 00 27 & 2281 00 28 Internet : sot@vsnl.com CABLE : GURTEGSHIP  
Operations Office : Marshall Building, 4th Floor, 20 Shoorji Vallabhdas Marg, Ballard Estate, Mumbai 400 038, India  
Branches : All ports of - West Coast of India and East Coast of India

17<sup>th</sup> August 2007

The Assistant Commissioner of Customs  
Import Department  
New Custom House  
Mumbai

RE : Cancellation of IGM no.24395 (P/E)  
File no. S/5 - 227/2007 <sup>IMP</sup> Dated 5/6/2007

Dear Sir,

Our agency Vessel MV FREDERIKE OLDENDORFF was originally expected to arrive at Mumbai on 07-06-2007 to discharge 46918 MT cargo of bulk peas. Accordingly we had filed IGM no. 24395 (P/E). However due to vessel's excess arrival draft she did not have the possibility of berthing either alongside berth or at inner anchorage. In view of the same, the vessel was compelled to be diverted to Mundra port to discharge part cargo and subsequently return to Mumbai with the acceptable draft. Accordingly the vessel called Mundra and discharged 7286.996 MT. Thereafter the Vessel arrived at Mumbai on 18-07-2007 with 39631.302 MT bulk peas cargo.

We enclose herewith the copy of IGM for 7286.996 MT discharged at Mundra port.

We now request you to kindly cancel the above IGM no.24395 (P/E).

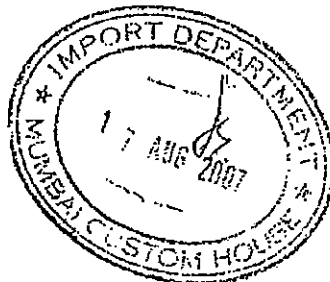
Thanking You,

Yours faithfully,  
For SAHI ORETRANS P. LTD.,

  
As Agent.



Encl : Copy of Mundra IGM



NEW CI  
E.D.I. Ser

Indian Custom EDI System - Exports (ICES/E)  
New Custom House, Bellard Estate, Mumbai

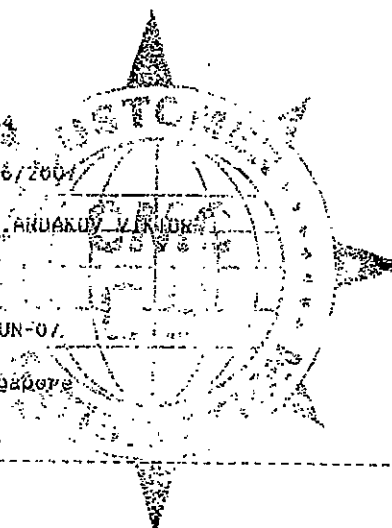
Printed Date: 01/06/2007  
Copy

FINAL Print for Rotation Number

Rotation Number : 15834

Rotation Date : 01/06/2007

Vessel Name : FREDERIKE OLDENDORFF  
Vessel Number : 1A8FYB  
Vessel Nationality : LR  
Shipping line code : JKZ  
Ship Agent Code : 1501  
Rotation Number : 15834  
Rotation Date : 01/06/2007  
Master Name : CAPT. ANDAKU V. K. N. D. R.  
Voyage Number : 1001  
Entry Inward Date : 06-JUN-07  
Next Port of Call : Singapore



*[Handwritten signature]*

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**Narayan Nethrakere**

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**From:** "FREDRIKE OLDENDORFF" <A8FY8@globeemail.com>  
**To:** <sot@vsnl.com>  
**Sent:** Wednesday, June 06, 2007 1:15 PM  
**Subject:** ETA report

Dear Sirs,

I regret to inform you that on 05 June we stopped ME due to high temperatures of exhaust gas of the ME for 4hrs and 20 min. Now we're proceeding with Half speed ahead and have speed 6 knt.

ETA Mumbai on 10 June at 02.40 UTC/08.10 LT WP.

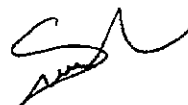
Kindly request to inform us about port of pre-discharging because port of Kandla is not safe port for our vessel.

Brgds, master.

Received: from GCC at Globe Wireless;  
Wed, 06 Jun 2007 07:47 UTC  
Message-id: 207659266

\_\_\_\_\_ NOD32 2312 (20070606) Information \_\_\_\_\_

This message was checked by NOD32 antivirus system.  
<http://www.eset.com>



11/2/2007